

Appl. No. 10/053,387
Amdt. dated 10/6/2005
Reply to Non Final Office Action dated July 6, 2005

Docket No. 70377-010200

REMARKS

Claims 1, 9, 11, 12, 14-17 and 32 are pending. The remaining claims, namely 2, 3, 5-8, 10, 13 and 18-31 have been previously withdrawn from consideration. Accordingly, they have not been included in the listing of the claims under the newly revised 37 C.F.R. 1.121(c). Kindly contact applicants' undersigned representative to discuss.

Applicants undersigned representative respectfully thanks the Examiner for entry of the Request for Continued Examination under 37 CFR 1.114, and for the entry of Applicants' submission dated 27 April 2005.

I. REJECTION OF CLAIMS 1, 9, 11, 12, 14, 15, 17, 32, 34-38 UNDER 35 U.S.C. §102(B) BY U.S. LETTERS PATENT NO. 4,335,026

In order to repeat a claim for anticipation, each claimed element must be present in the reference, MPEP §§706.02 and 2131.

Referring now to Claims 1, and 11 (and their dependents) the claims stated:

"A Hydrocolloid Composition" at line 1, the established definition of a 'hydrocolloid' is within the normal skill of those in the art, and well-disclosed in applicant's specification - namely have high fluid absorbency, while adhesive bandages and tapes are a generic class in which hydrocolloids can be included, the '026 patent does not anticipate the instant hydrocolloid, it is respectfully submitted.

Accordingly, these rejections should be reconsidered and withdrawn. Such relief is hereby earnestly solicited.

II. 35 U.S.C. §103 Rejections of Claim 16 over U.S. Letters Patent No. 5,750,134 and Claims 33 over U.S. Letters Patent No. 6,805,961

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The obviousness rejection, as detailed above, are respectfully traversed. The Examiner has not carried his burden under In Re Dillon (citations omitted) to state a prima facie case of obviousness.

The prior art fails to disclose combinations used to achieve better fluid absorption, that can likewise function with respect to adhesion and other medical needs. Accordingly, the instant subject matter should be passed to issuance and allowance and such relief is hereby earnestly solicited.

CONCLUSION

Applicants have complied with all requirements made in the above-referenced communication. Should any matters remain that the Examiner believes could be resolved in a telephone interview, the Examiner is respectfully requested to telephone the Applicants' undersigned agent, and/or propose an interview between 24 and 26 October, 2005. 37 CFR 1.333

This response is being timely filed and no fee is believed due. However, if Applicants are mistaken, the Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, now or in the future, or credit any overpayment to Account No. 50-2638. Please ensure that Attorney Docket Number 70377-010200 is referred to when charging any payments or credits for this case.

Respectfully submitted,

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By 

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